

REMARKS

Claims 1-19 are pending in this application. Claims 9-11 and 17-19 have been withdrawn from consideration as being to a non-elected species. Affirmation of this election is made herein.

Claims 1-2, 4, 6 and 8 are rejected as being anticipated by Panknin, U.S. Patent 3,333,722, claim 3 is rejected as being obvious over Panknin in view of Gold, U.S. Patent 3,785,725, claim 5 is rejected as being obvious over Panknin in view of Averill, U.S. Patent 2,923,428, claims 7, 12, 13 and 16 are rejected as being obvious over Panknin, claim 14 is rejected as being obvious over Panknin as applied to claim 12 in view of Gold and claim 15 is rejected as being obvious over Panknin as applied to claim 12 in view of Averill.

Claim 1 has been amended to add the limitations of claims 2, 4 and 7 and claim 12 has been amended to include the limitations of claim 13. Claims 2, 4, 7 and 13 have been canceled.

It is the Examiner's position that claim 7, now amended claim 1, discloses the claimed invention except for the top extremities being offset from the bottom extremities by a distance equal to the thickness of a wire, and that it would have been obvious to one having ordinary skill in the art to configure the top extremities to be offset from the bottom extremities by this amount, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. It is submitted that amended claim 1 now overcomes that rejection. The essence of the subject invention is the combination of the top extremities of the side elements being offset from the bottom extremities of the side element by a distance which is

equal to or slightly more than the thickness of the wire the bins are made from, and the corner elements which extend across the corners of the top element adjacent its lower surface. This allows the bins to be nested one on top of another when full with the bottom of the upper bin only extending into the adjacent lower bin by one wire thickness. As a result, stacking the bins does not cause the upper bin in the stack to interfere with what is being carried in the lower bin in the stack, and yet still prevents the upper bin from being easily displaced from and dropping into the lower bin. Moreover, Panknin has a solid bottom so that making the top extremities of the side elements be offset one wire width from the bottom extremities would not allow the bin to be nested in a lower bin in the manner of the subject invention anyway.

None of the prior art references disclose a container which functions in this manner and it would not be obvious to combine any of the cited references to provide a bin that operates in this manner. Those prior art bins that do have the top offset outwardly from the bottom do so for the purposes of stacking the bins substantially within one another when they are empty to facilitate storage, and thus teach away from the nesting structure of the subject invention. Claims 3, 5-6 and 8 depend from claim 1 and are allowable on the same basis as claim 1.

Claim 12 has been amended to include the limitations of 13 and now contains the same critical limitations as claim 1 and is distinguishable from the prior art on the same basis that

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claim 1 is. Claims 14-16 depend from claim 12 and are allowable on the same basis as claim 13.

The amendments to claims 1 and 12 have not prevented them from being generic. Accordingly, since claims 1 and 12 are now allowable, withdrawn claims 9-11 and 17-19 should be brought back into the application.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 15, 2006.

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